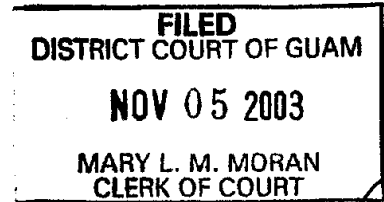


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IN THE DISTRICT COURT OF GUAM

ALAN SADHWANI, LAJU)
SADHWANI, and K. SADHWANI'S)
INC., a Guam corporation,)
)
Plaintiffs,)
)
v.)
)
HONGKONG AND SHANGHAI)
BANKING CORPORATION, LTD.,)
et al.,)
)
Defendants.)
_____)

CIVIL CASE NO. CV 03-00036

**MEMORANDUM OF POINTS
AND AUTHORITIES IN
SUPPORT OF HSBC'S MOTION
FOR ISSUANCE OF WRIT OF
CERTIORARI TO SUPERIOR
COURT OF GUAM FOR
RECORD IN REMOVED
ACTION [28 U.S.C. § 1447(b)]**

Defendant The Hongkong and Shanghai Banking Corporation Limited ("HSBC") hereby moves this Court, pursuant to 28 U.S.C. § 1447(b), for issuance of a writ of certiorari to the Superior Court of Guam commanding the Superior Court to bring to this Court a true, full and correct copy of all records and proceedings taken and had in such court in the above-entitled action, on the following grounds:

1. On October 21, 2003, Plaintiffs filed a Complaint for Damages ("Complaint") in the Superior Court of Guam in Civil Action No.

ORIGINAL

CV1560-03, entitled *Alan Sadhwani, Laju Sadhwani, and K. Sadhwani's Inc. v. Hongkong and Shanghai Banking Corporation, Ltd., John Doe I through X* (the "Action"). Plaintiffs' Complaint for Damages was delivered to HSBC on October 21, 2003;

2. On November 5, 2003, HSBC removed the Action from the Superior Court of Guam by filing a Notice of removal and by duly notifying Plaintiffs of the foregoing on November 5, 2003, all pursuant to 28 U.S.C. § 1446; and
3. HSBC respectfully requests, as authorized by 28 U.S.C. § 1447(b), that this Court issue a writ of certiorari ordering the Superior Court of Guam to produce and deliver to this Court all of the records and proceedings in this case. *See, 29A Fed. Proc., L. Ed. § 69:107 (West 1998)* ("A party seeking removal may be required to file with the clerk of the Federal District Court to which an action has been removed copies of all records and proceedings had in the state court. Alternatively, such material may be secured through the issuance of a writ of certiorari from the District Court to the state court."); *Schwarzer, Tashima, and Wagstaffe, California Practice Guide: Federal Civil Procedure Before Trial, Removal Jurisdiction*, ¶ 2:987 ("Under 28 U.S.C. § 1447(b), the federal court can issue a writ of certiorari ordering the state court to produce all of the records in the

Sadhwani, et al. v. Hongkong and Shanghai Banking Corporation Ltd.

Civil Case No. CV03-_____

Memorandum of Points and Authorities in Support of HSBC's Motion for Writ of Certiorari to Superior Court of Guam for Record in Removed Action [28 U.S.C. § 1447(b)]

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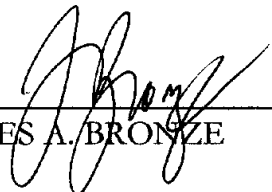
case.”

Accordingly, the motion should be granted and this Court should issue its writ of certiorari, pursuant to 28 U.S.C. § 1447(b), to the Superior Court of Guam directing the Superior Court of Guam to bring all records and proceedings in the Action to this Court.

Respectfully submitted this 5th day of November, 2003.

LAW OFFICES OF BRONZE & TANG
Attorneys for Defendant HSBC

By:



JACQUES A. BRONZE

RAP/nsh